

## **Remarks**

In the Office Action dated May 4, 2005, the Examiner rejected claims 1-4 and 9-12 under 35 U.S.C. § 103 as being unpatentable over Cox, et al. U.S. Patent No. 6,738,814 in view of the U.S. Patent in the name of Soha 4,817,080. The Examiner rejected claims 7 and 8 and 14-15 under 35 U.S.C. § 103 as being unpatentable over Cox, et al. in view of Soha and further in view of the article in the name of Smith, et al. The Examiner failed to specifically reject claims 6 and 16.

Briefly, each of the independent claims has been amended to add the limitation previously appearing in non-rejected claim 6, namely that the request statistics include connection statistics and service request distributions. Consequently, it is respectfully submitted that each of the independent claims is patentable over the art of record for the reasons that follow.

The U.S. Patent to Cox, et al., as admitted by the Examiner, does not disclose the step of generating request statistics based on a stream of service requests. Consequently, Cox, et al. cannot disclose request statistics including connection statistics and service request distributions as now recited in each of the independent claims of the application. Furthermore, Cox, et al. is concerned with a method for blocking denial of service attacks on a private network and not for publicly accessible network computer services as is required by each of the independent claims of the this application.

The U.S. Patent to Soha discloses a monitor for local area networks and keeps counts of packets having various characteristics and then sends resultant statistics over a bus to a monitor manager. However, Soha fails to disclose the generation of request statistics based on a stream of service requests. A computer search of Soha failed to reveal any occurrence of the word “service” or the word “request”. Since Soha fails to disclose the generation of request statistics based on a stream of service requests, Soha also fails to disclose request statistics including connection statistics and service request distributions.

Also, since Soha is not concerned with protecting services from undesirable network traffic, there is no motivation to combine Cox, et al. with Soha. Soha is concerned merely with collecting all possible statistics.

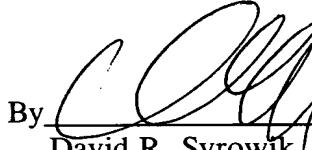
The article in the name of Smith, et al. fails to make up the deficiencies of Cox and Soha to provide the invention as now claimed in each of the independent claims. Smith, et al. is concerned with putting firewalls outside the LAN perimeter to block an attacker closer to the source of the attack. Smith, et al., is more fully discussed in the prior Amendment dated January 3, 2005.

Consequently, in view of the above and in the absence of better art Applicants' Attorney respectfully submits that the application is in condition for allowance which allowance is respectfully requested.

Respectfully submitted,

**Gerald R. Malan, et al.**

By



\_\_\_\_\_  
David R. Syrowik  
Reg. No. 27,956  
Attorney/Agent for Applicant

Date: June 16, 2005

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351